



DEPARTMENT OF THE NAVY
BOARD FOR CORRECTION OF NAVAL RECORDS
2 NAVY ANNEX
WASHINGTON, D.C. 20370-5100

HD:hd
Docket No: 04585-99
21 November 2000

LCDR [REDACTED] NR
980 [REDACTED]

Dear Commander [REDACTED]

This is in reference to your application for correction of your naval record pursuant to the provisions of title 10 of the United States Code, section 1552.

Your request to be allowed to go before the Fiscal Year (FY) 00 Naval Reserve Supply Corps Lieutenant Commander Selection Board was not considered, as you were considered and selected by that promotion board.

A three-member panel of the Board for Correction of Naval Records, sitting in executive session, considered your application on 16 November 2000. Your allegations of error and injustice were reviewed in accordance with administrative regulations and procedures applicable to the proceedings of this Board. Documentary material considered by the Board consisted of your application, together with all material submitted in support thereof; your naval record and applicable statutes, regulations and policies. In addition, the Board considered the advisory opinion furnished by the Navy Personnel Command dated 16 September 1999, a copy of which is attached.

After careful and conscientious consideration of the entire record, the Board found that the evidence submitted was insufficient to establish the existence of probable material error or injustice warranting removal of your failure by the FY 95 Naval Reserve Supply Corps Lieutenant Commander Selection Board. In this connection, the Board substantially concurred with the comments contained in the advisory opinion. Accordingly, your application has been denied. The names and votes of the members of the panel will be furnished upon request.

It is regretted that the circumstances of your case are such that favorable action cannot be taken. You are entitled to have the Board reconsider its decision upon submission of new and material evidence or other matter not previously considered by the Board. In this regard, it is important to keep in mind that a presumption of regularity attaches to all official

records. Consequently, when applying for a correction of an official naval record, the burden is on the applicant to demonstrate the existence of probable material error or injustice.

Sincerely,

W. DEAN PFEIFFER
Executive Director

Enclosure



DEPARTMENT OF THE NAVY
NAVY PERSONNEL COMMAND
5720 INTEGRITY DRIVE
MILLINGTON TN 38055-0000

4585-99

5420
PERS-86
16 Sep 99

MEMORANDUM FOR THE EXECUTIVE DIRECTOR, BOARD FOR CORRECTION OF
NAVAL RECORDS

Via: Assistant for BCNR Matters (PERS-OOZCB)

Subj: REQUEST FOR COMMENTS AND RECOMMENDATIONS IN CASE OF
LIEUTENANT [REDACTED]

Ref: (a) Title 10, United States Code
(b) BCNR memo PERS-OOZCB of 2 Sep 99

Encl: (1) BCNR File 04585-99 w/Service record

1. Per reference (a) and in response to reference (b), we are returning enclosure (1) with the following observations and recommendation that Lieutenant [REDACTED] petition be denied.

2. Lieutenant [REDACTED] failed to select for promotion to Lieutenant Commander on the FY-95 and FY-99 Naval Reserve Supply Corps Promotion Selection Boards. On 11 July 1999, Lieutenant [REDACTED] requested the removal of the FY-95 failure of selection and consideration by the FY-00 promotion selection board via a petition through BCNR.

3. Lieutenant [REDACTED] requested that the failure of selection before the FY-95 board be removed because he was in an IRR status. Lieutenant [REDACTED] claims his IRR status as basis for relief. A review of his record reveals that he was properly considered by the FY-95 selection board and was not selected. Lieutenant [REDACTED] was released from active duty on 31 July 1989 into the Individual Ready Reserve (IRR). In this status, although not actively drilling, he was eligible for consideration by a selection board in accordance with reference (a). The FY-95 board convened on 19 September 1994. Lieutenant [REDACTED] did not enter the Inactive Status List (ISL) until 30 September 1994. Lieutenant [REDACTED] was later removed from the ISL and returned to the IRR on 27 September 1996. However the FY-98 board, in compliance with reference (a), did not consider him. Instead, the FY-99 board properly considered Lieutenant [REDACTED] since he had returned to an IRR status and was therefore eligible for promotion.

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4. Lieutenant [REDACTED] request for consideration by the FY-00 selection board does not meet the requirements outlined in reference (a). A detailed review of his record was conducted. This review failed to uncover any factual basis in which to approve Lieutenant [REDACTED]'s request. Further, there is nothing in the record to substantiate a conclusion that an error or oversight might have occurred. Without some factual material error or impropriety concerning his record, consideration by a board is not warranted.

5. Lieutenant [REDACTED] provides letters of endorsements in which they summarize career accomplishments as reason for consideration by the FY-00 promotion selection board. Accomplishments of an individual officer who is not selected by a promotion board do not provide a basis under law, which would allow consideration by an additional selection board. Competition for promotion is always extremely keen and with the impressive composition of the Navy's officer corps, there is always more "best and fully qualified" officers' eligible than the board is authorized to select.

6. Specific reasons for Lieutenant [REDACTED]'s multiple failures of select are not available since board deliberations are confidential in nature and records of deliberations are not kept. It is our opinion that Lieutenant [REDACTED]'s record was simply not competitive enough when viewed within the numerical constraints placed upon each board.

7. Lieutenant [REDACTED] service to his country is laudable and he can be justifiably proud of his contributions; the negative response to his request does not detract from his honorable service to this nation and the United States Navy.

[REDACTED]
[REDACTED]
[REDACTED]
Director, Naval Reserve Officer
Promotion, Appointments and
Enlisted Advancements Division